

April 22, 2005

DALE WASHAM  
PO BOX 73634  
PUYALLUP WA 98373

Subject: Complaint filed against Calvin Goings - PDC Case No. 04-447

Dear Mr. Washam:

The Public Disclosure Commission (PDC) staff has completed its investigation of your complaint filed on April 2, 2004, against Pierce County Councilmember Calvin Goings alleging that he used the public resources and facilities of Pierce County to support his 2004 re-election campaign.

**RCW 42.17.130** prohibits elected officials, their employees, and persons appointed to or employed by a public office or agency from using or authorizing the use of public facilities, directly or indirectly, for the purpose of assisting a candidate's campaign or for the promotion of, or opposition to, any ballot proposition.

Specifically, you alleged that Calvin Goings used Pierce County funds to produce and distribute mailings in 2003 that were targeted to registered voters and that supported his re-election efforts.

We found that:

- PDC Interpretation No. 04-02, Guidelines for Local Governmental Agencies in Election Campaigns, states under its Basic Principles that it is not only the right, but the responsibility of local government and its leaders to inform the general public of the operational and maintenance issues facing local agencies. This includes informing the community of the needs of the agency that the community may not realize exist. Local governments and their officials may expend funds for this purpose provided that the preparation and distribution of information is not for the purpose of influencing the outcome of an election.
- The four documents or mailings referred to in your complaint were prepared and mailed at Pierce County expense from the office of Pierce County Councilmember Calvin Goings. The four documents were mailed pursuant to the *April 1998 Printing and Mailing Guidelines* in the Pierce County

Councilmember Handbook. The guidelines prohibit mailings by a Pierce County Councilmember between July 31st and the general election in any year in which an incumbent Councilmember is a candidate up for re-election or is a candidate seeking a different office.

- On June 30, 2003, Calvin Goings filed a Candidate Registration Statement (PDC Form C-1) declaring his candidacy for re-election to the Pierce County Council in 2004. All four of the mailings distributed by Mr. Goings' office occurred during calendar year 2003, a year in which Mr. Goings was not on the ballot.
- Due to limitations upon available funding, Mr. Goings sent the mailings to persons that are registered voters. This is similar to the practice of state legislators who direct their constituent mailings to people who voted in recent elections.

In addition, you alleged that Mr. Goings used Pierce County resources and time to go door-to-door to homes in his Pierce County Council district, and that this activity supported his re-election efforts.

We found that:

- Mr. Goings stated that because part of his Pierce County Council District had been affected by redistricting as a result of the 2000 Census he wanted to provide people living in his district information about his position on issues being addressed by the Pierce County Council.
- Prior to undertaking this activity, Mr. Goings contacted Pierce County Council Staff Attorney Susan Long inquiring about the permissibility of the door-belling activity. Ms. Long informed Councilmember Goings that door-belling was permissible as long as Mr. Goings was not campaigning and was not up for re-election in 2003.
- Mr. Goings stated that he visited as many homes as possible to meet and talk with the people in his district and find out what issues concerned them.

The mailings produced and distributed by Pierce County on behalf of Pierce County Council member Calvin Goings were done to inform the people in Mr. Goings' district of the issues facing the Pierce County Council. The mailings were consistent with the *April 1998 Printing and Mailing Guidelines* in the Pierce County Councilmember Handbook, and did not mention Mr. Goings' candidacy for re-election in 2004.

Mr. Goings was not prohibited from expending funds for the mailings nor was he prohibited from providing information to the people in his district by visiting their homes directly since the preparation and distribution of the mailings, and the visits, were to

communicate with the residents of his district, and as such, these actions did not violate RCW 42.17.130.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing your complaint against Calvin Goings.

If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll free at 1-877-601-2828.

Sincerely,

Vicki Rippie  
Executive Director

c: Calvin Goings